

3 RQ-882



Nora A. Linares
Executive Director

November 22, 1995

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Commissioners:
Harriet Miers,
Chair
Anthony Sadberry
Joe H. Morin

The Honorable Dan Morales
Attorney General of Texas
Opinions Committee
P.O. Box 12548
Austin, Texas 78711-2548

CERTIFIED MAIL NO: Z 746 154 272
RETURN RECEIPT REQUESTED
AND
HAND-DELIVERED

RE: Request from an Attorney General Opinion

FILE # ML-37274-95
I.D. # 37274

Dear General Morales:

This letter is to request your opinion regarding the application of Section 467.025(a)(5) of the Texas Government Code to acts of a Texas Lottery Commission member in the member's individual capacity. Section 467.025(a)(5) provides that "a commission member may not directly or indirectly coerce, attempt to coerce, command, or advise a person to pay, lend, or contribute anything of value to another person for political purposes." Specifically, I request your opinion regarding whether the foregoing statutory provision prohibits a commission member, acting in an individual capacity and as a private citizen, from participating in the political process by either individually, or as one of a group, soliciting or "advising" contributions be made to political candidates. Specifically, I would like your opinion as to whether the solicitation of funds for a political purpose by a commission member, acting in an individual capacity, is prohibited by the provisions of Section 467.025(a)(5).

If your opinion is that Section 467.025(a)(5) prohibits the participation by a commission member, acting in an individual capacity, in the political process, I request your opinion regarding whether such application of this statute is constitutional, in light of the constitutional rights afforded a private citizen under the First Amendment to the United States Constitution, U.S. Const. Amend. I.

Respectfully submitted,

Nora A. Linares
Executive Director